

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENT
TO THE GEORGIA STATE BOARD OF COSMETOLOGY RULES, CHAPTER 130-7,
RULE 130-7-.04, *FINING SCHEDULE*, AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Cosmetology (hereinafter "Board") proposes amendments to the Georgia Board of Cosmetology Rule 130-7-.04 (hereinafter "proposed amendments").

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Cosmetology's web page at www.sos.ga.gov/plb/cosmetology/. Copies may also be requested by contacting the Board office at 478-207-2440.

A public hearing is scheduled to begin at 10:00 a.m. on March 11, 2009 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or before March 4, 2009. Written comments should be addressed to Randall D. Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Cosmetology, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-314-9188.

The proposed rule will be considered for adoption by the Georgia State Board of Cosmetology at its meeting scheduled to begin at 10:05 a.m. on March 11, 2009 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Cosmetology has the authority to adopt the proposed rule pursuant to authority contained in O.C.G.A § 43-10-11.

At its meeting on January 26, 2009, the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §43-10-11.

Also, at its meeting on January 26, 2009, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-10-11 to adopt or implement differing actions for businesses as listed at O.C.G.A§ 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these

rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of residential and general contracting.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 30th day of January, 2009.

Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: January 30, 2009

**SYNOPSIS OF PROPOSED AMENDMENT OF THE
GEORGIA STATE BOARD OF COSMETOLOGY RULES
CHAPTER 130-7-.04, RULE 130-7-.04, *FINING SCHEDULE***

Purpose: The purpose of this rule is to impose a fine for failing to have a shop license and to increase the fine for failing to post a shop license from \$100.00 to \$150.00, so that the fine mirrors the fine for failing to post an individual's license to practice cosmetology.

Main Features: The main feature of this rule is to impose a fine for failing to have a shop license and to increase the fine for failing to post a shop license. Only paragraph (a) concerning violation fines for Cosmetology Salons/Shops is being amended.

**PROPOSED AMENDMENT OF THE
GEORGIA STATE BOARD OF COSMETOLOGY RULES
CHAPTER 130-7, RULE 130-7-.04 *FINING SCHEDULE***

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

130-7-.04 Fining Schedule.

Any person licensed by the Georgia State Board of Cosmetology shall be required to pay to the Georgia State Board of Cosmetology a fine for each of the violations listed under this section. A citation shall be issued by an inspector or representative of the board for violation of the Laws and/or rules and regulations, and shall be given to the licensee to pay within 30 days of the issuance of the citation unless the licensee requests in writing a hearing before the board. Such request for a hearing must be received by the board within 30 days after receiving the citation. Failure either to pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing to determine whether other disciplinary or revocation action should be imposed on the licensee. Repeated violations of the laws and/or rule and regulations shall result in the suspension or revoking of the certificate of registration to practice cosmetology.

(a) Violation Fines for Cosmetology Salons/Shops.

1. Failure to have all persons working currently licensed and/or registered shall result in the following fine: Unlicensed — \$500.00 Expired License — \$300.00 (O.C.G.A. 43-10-14, 43-10-10)

2. Failure to have a current salon/shop license shall result in the following fine: Unlicensed - \$500.00 Expired License - \$300.00 (O.C.G.A. 43-10-11).

23. Failure to post individual practitioners license or current copy of online verification in an open area shall result in a fine of: \$150.00. (Rule 130-4-.08)

34. Failure to post current salon/shop license or current copy of online verification in an open area shall result in a fine of: ~~\$100.00~~ \$150.00. (Rule 130-2-.11(3))

~~4~~5. Failure to have apprentice reports and/or records current shall result in a fine of: \$200.00.
(Rule 130-2-.06 (2)(a)(b)(c))

~~5~~6. Failure of apprentice to be under direct supervision of their registered master license holder or temporarily designated master license holder shall result in a fine of: \$500.00. (Rule 130-2-.06(a)(c), 130-2-.09 130-4-.06)

~~6~~7. Failure to have sanitary regulations posted in an open area shall result in a fine of: \$150.00.
(Rule 130-4-.08(4))

~~7~~8. Failure to post most recent inspection report in an open area shall result in a fine of: \$100.00.
(Rule 130-4-.08(3))

~~9~~10. Failure to have salon/shop separated by tight, ceiling high partition from residence rooms or other commercial facilities shall result in a fine of: \$500.00. (Rule 130-4-.02, 130-4-.03)

~~10~~11. Failure to have walls, ceiling, floors, furniture, and equipment free from excessive dust, dirt, and debris and all equipment in good/safe/working condition shall result in a fine of: \$300.00.
(Rule 130-4-.04)

~~11~~12. Failure to have proper toilet and plumbing facilities shall result in a fine of: \$500.00. (Rule 130-4-.05)

~~12~~13. Failure to have operating hot and cold running water shall result in a fine of: \$500.00.
(Rule 130-4-.05)

~~13~~14. Failure to have shampoo bowls thoroughly cleansed and sanitized shall result in a fine of: \$500.00. (Rule 130-5-.01)

~~14~~15. Failure to have all cosmetology implements cleansed and disinfected shall result in a fine of: \$500.00. (Rule 130-5-.05)

~~15~~16. Failure to have all nail care implements cleansed and disinfected shall result in a fine of: \$500.00. (Rule 130-5-.05)

~~16~~17. Failure to have all esthetics implements cleansed and disinfected shall result in fine of: \$500.00. (Rule 130-5-.05)

~~17~~18. Failure to comply with wet disinfection standards and dry storage standards for all cosmetology professional implements shall result in a fine of: \$500.00. (Rule 130-5-.05)

~~18~~19. Failure to have soiled towels/linens in a closed container shall result in a fine of: \$200.00.
(Rule 130-5-.02)

~~19~~20. Failure to have clean towels/linens in closed container or closed cabinet except towels/linens designated for use on current patrons shall result in a fine of: \$200.00. (Rule 130-5-.02)

~~20~~21. Failure to have creams, lotions, other cosmetics for use on patrons in sanitary, closed container shall result in a fine of: \$200.00. (Rule 130-5-.06)

~~21~~22. Failure to have establishment free from stale food and soiled dishes shall result in a fine of: \$200.00. (Rule 130-5-.04)

~~22~~23. Failure to have garbage stored in covered, washable container shall result in a fine of: \$200.00. (Rule 130-5-.04)

~~23~~24. Failure to have waste and garbage removed daily shall result in a fine of: \$200.00. (Rule 130-5-.04)

~~24~~25. Failure to have separate outside entrance to salon if in residence shall result in a fine of: \$500.00. (Rule 130-4-.02)

~~25~~26. Failure to wear appropriate clothing and footwear for clinical services to prevent occupational exposure to potential infectious materials shall result in a fine of: \$100.00. (Rule 130-5-.09)

~~26~~27. Failure to have all patrons wear appropriate clothing and footwear to prevent exposure to potential infectious materials shall result in a fine of: \$100.00. (Rule 130-5-.08)

~~27~~28. Failure of master cosmetologist, hair designer, esthetician or nail technician to provide apprentice with textbook and necessary equipment in salon to study the occupation of cosmetology, hair design, esthetics or nail care shall result in a fine of: \$300.00. (Rule 130-2-.09)

~~28~~29. Failure to have the following signs posted in an open area and available for public view at all times: All Cosmetology services shall be performed on intact, healthy scalp, skin, and nails shall result in a fine of: \$100.00. (Rule 130-5-.05(6)(a))

~~29~~30. Failure to post the following signs in the pedicure service area available for public view at all times:

Customers should not shave their legs the same day as receiving pedicure services to reduce the risk of infection; any razor-like implement, such as credo blades, shall not be used to prevent the risk of injury or infection; pumice stones shall not be reused from one customer to another to prevent the spread of bacteria shall result in a fine of: \$100.00. (Rule 130-5-.05(7)(a)(b)(c)(d))

Authority: O.C.G.A. §§ 43-1-7, 43-10-2, 43-10-6, 43-10-11, 43-10-15, 43-10-17.